

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

DAVID MARCEL NOEL,

Petitioner,

v.

KEVIN SHOEMAKER,

Respondent.

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No. 2:25-cv-00022-MTS

**MEMORANDUM AND ORDER**

Before the Court is Petitioner David Marcel Noel’s Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases. Doc. [2]. Under the Rules Governing Section 2254 Cases in the United States District Courts, a habeas corpus petition must be accompanied by the applicable filing fee, or a “motion for leave to proceed in forma pauperis, the affidavit required by 28 U.S.C. § 1915, and a certificate from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that the petitioner has in any account in the institution.” *See* Rule 3(a)(2).<sup>1</sup>

Noel’s Petition was not accompanied by the filing fee. Noel did file the required motion and affidavit, but he did not provide the certificate required by Rule 3(a)(2). Instead, he drew an “X” and wrote “N/A” on the Certificate section of the form motion and affidavit. Doc. [2] at 3. Because Noel failed to comply with Rule 3(a)(2), the Court is unable to evaluate his eligibility to proceed in forma pauperis. The Court must therefore deny the motion without prejudice.

The Court will give Noel thirty days to either pay the \$5 filing fee or comply with Rule 3(a)(2) of the Rules Governing Section 2254 Cases in the United States District Courts. To assist

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<sup>1</sup> This Court may apply these Rules to a habeas petition filed pursuant to 28 U.S.C. § 2241. *See* Rule 1(b) of the Rules Governing Section 2254 Cases in the United States District Courts.

Noel, the Court will direct the Clerk to send him a copy of the Court's form Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases. Noel's failure to timely comply with this Memorandum and Order will result in the dismissal of this case without prejudice and without further notice.

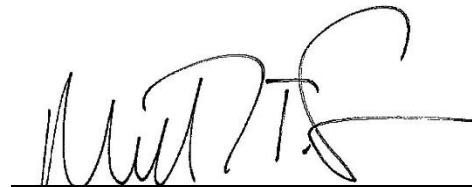
Accordingly,

**IT IS HEREBY ORDERED** that David Marcel Noel's Motion to Proceed in Forma Pauperis is **DENIED** without prejudice. Doc. [2].

**IT IS FURTHER ORDERED** that, no later than **March 28, 2025**, Noel must either pay the \$5 filing fee or file a Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases that meets the requirements of Rule 3(a)(2) of the Rules Governing Section 2254 Cases in the United States District Courts.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mail to Noel a copy of the Court's form Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases.

Dated this 26th day of February 2025.

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', is written over a horizontal line.

MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE